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8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
10 BOARD OF MEDICAL QUALITY ASSURANCE
11 STATE OF CALIFORNIA
12

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|------------------------------------|---|----------------------------------|
| 13 In the Matter of the Accusation |) | No. D-3878 |
| Against: |) | |
| 14 |) | |
| MICHAEL CHI-WAI WONG, M.D. |) | <u>STIPULATION IN SETTLEMENT</u> |
| 15 13150 Stone Canyon Road |) | <u>AND DECISION</u> |
| Poway, California 92064 |) | |
| 16 |) | |
| Physician's and Surgeon's |) | |
| 17 Certificate No. G34771 |) | |
| 18 Respondent. |) | |

19 In the interest of a settlement of this matter,
20 consistent with the public interest and the responsibility of the
21 Division of Medical Quality (hereinafter "Division"), Board of
22 Medical Quality Assurance (hereinafter "Board"), the parties
23 submit this Stipulation and Decision to the Division for its
24 approval and adoption as the final disposition of the Accusation.

25 The parties stipulate the following is true:

- 26 1. An Accusation, No. D-3878, is currently pending
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1 against Michael Chi-Wai Wong, M.D. (hereinafter "respondent"),
2 before the Board. The Accusation, together with all other
3 statutorily required documents, was duly served on the respondent
4 on or about December 2, 1988, and respondent filed his Notice of
5 Defense (contesting the Accusation No. D-3878) on or about
6 December 16, 1988. A copy of the Accusation No. D-3878 is
7 attached hereto, marked Exhibit 1, and incorporated by reference
8 as if fully set forth.

9 2. At all times relevant herein, respondent has been
10 licensed by the Board under Physician's and Surgeon's Certificate
11 No. G34771.

12 3. The respondent is fully aware of his right to a
13 hearing, pursuant to the California Business and Professions Code
14 and Government Code, and with this in mind, waives such right.
15 Respondent is represented by attorney Robert Hoad, Esq., in this
16 matter.

17 4. Respondent admits the truth of all allegations of
18 Accusation No. D-3878, except that paragraph 4a. of the
19 Accusation No. D-3878 shall be deemed to allege that respondent
20 pleaded nolo contendere to the offense stated therein.
21 Respondent agrees that he has thereby subjected his license to
22 discipline. Respondent agrees to the Board's imposition of
23 penalty as set out in the Order below.

24 5. Based upon the admissions contained in paragraph 4,
25 supra, respondent is subject to disciplinary action pursuant to
26 Business and Professions Code Sections 2227, 2234(e), and 2236.

27 6. In consideration of the foregoing admissions and

1 findings, the parties agree that the Board shall, without further
2 notice or formal proceeding, issue and enter an order as
3 follows:

4 ORDER

5 A. Physician's and Surgeon's Certificate No. G34771,
6 heretofore issued to Michael Chi-Wai Wong, M.D., is revoked.
7 However, revocation is stayed and respondent is placed on
8 probation for five (5) years upon the following terms and
9 conditions:

10 (1) As part of probation, respondent is suspended from the
11 practice of medicine for sixty (60) days beginning the effective
12 date of this decision. However, the suspension shall begin not
13 sooner than thirty (30) days after the date of execution of the
14 Order approving this stipulation by the representative of the
15 Division.

16 (2) Within ninety (90) days of the date of execution of
17 the Order approving this stipulation by the representative of
18 the Division, respondent shall take and pass an oral or written
19 examination, in the subject of obstetrics and gynecology. If
20 respondent fails this examination, respondent must take and pass
21 a re-examination consisting of a written as well as an oral
22 examination. The waiting period between repeat examinations
23 shall be at three-month intervals until success is achieved. The
24 Division shall pay the cost of the first examination and
25 respondent shall pay the cost of any subsequent re-examinations.

26 Respondent shall not practice medicine until respondent has
27 passed the required examination and has been so notified by the

1 Division in writing. Failure to pass the required examination no
2 later than 100 days prior to the termination date of probation
3 shall constitute a violation of probation.

4 (3) Within 90 days of the effective date of this decision,
5 and on an annual basis thereafter, respondent shall submit to the
6 Division for its prior approval an educational program or course
7 to be designated by the Division, which shall not be less than 25
8 hours per year, for each year of probation. This program shall
9 be in addition to the Continuing Medical Education requirements
10 for relicensure. Following the completion of each course, the
11 Division or its designee may administer an examination to test
12 respondent's knowledge of the course. Respondent shall provide
13 proof of attendance for 50 hours of continuing medical education
14 of which 25 hours were in satisfaction of this condition and were
15 approved in advance by the Division.

16 (4) Within sixty (60) days of the effective date of this
17 decision, respondent shall submit to the Division for its prior
18 approval a course in Ethics, which respondent shall successfully
19 complete during the first year of probation.

20 (5) Respondent shall observe standard terms and conditions
21 of probation, which are

22 (a) Obey All Laws -

23 Respondent shall obey all federal, state and local
24 laws, and all rules governing the practice of medicine
25 in California.

26 (b) Quarterly Reports -

27 Respondent shall submit quarterly declarations under

1 penalty of perjury on forms provided by the Division,
2 stating whether there has been compliance with all the
3 conditions of probation.

4 (c) Probation Surveillance Program -

5 Respondent shall comply with the Division's probation
6 surveillance program.

7 (d) Interviews With Medical Consultants -

8 Respondent shall appear in person for interviews with
9 the Division's medical consultants upon request at
10 various intervals and with reasonable notice.

11 (e) Tolling for Out-of State Practice or Residence -

12 The period of probation shall not run during the time
13 respondent is residing or practicing outside the
14 jurisdiction of California. If, during probation,
15 respondent moves out of the jurisdiction of California
16 to reside or practice elsewhere, respondent is required
17 to immediately notify the Division in writing of the
18 date of departure, and the date of return, if any.

19 (f) Probation Violation/Completion of Probation -

20 If respondent violates probation in any respect, the
21 Division may revoke probation and carry out the
22 disciplinary order that was stayed after giving
23 respondent notice and the opportunity to be heard. If
24 an Accusation and/or Petition to Revoke Probation is
25 filed against respondent during probation, the Division
26 shall have continuing jurisdiction until the matter is
27 final, and the period of probation shall be extended

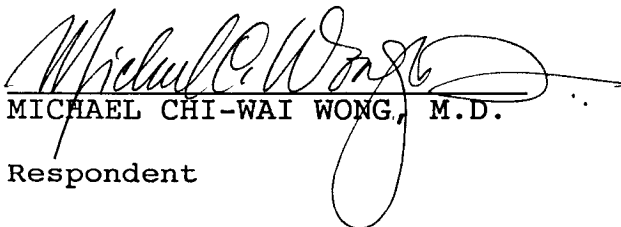
1 until the matter is final. Upon successful completion
2 of probation, respondent's certificate will be fully
3 restored.

4 B. The within stipulation shall be subject to the approval
5 of the Division. If the Division fails to adopt this stipulation
6 as its Order, the stipulation shall be of no force or effect for
7 either party.

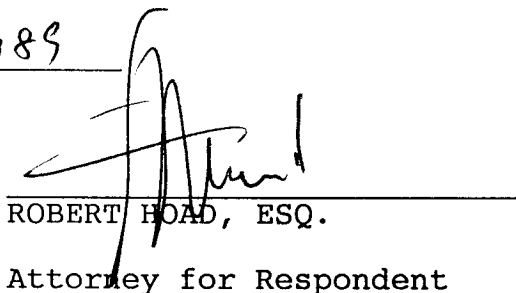
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9 I have read the above Stipulation and Order, understand
10 their terms, and agree in all respects thereto. I have made the
11 foregoing admissions because they are truthful expressions of
12 fact. I have consulted with legal counsel during all phases of
13 this administrative process, am aware of my legal rights, and
14 have freely and voluntarily entered into the foregoing
15 Stipulation.

16 DATED: June 22, 1989

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19 MICHAEL CHI-WAI WONG, M.D.
20 Respondent

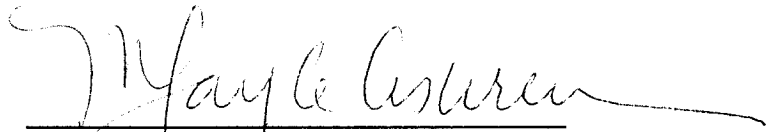
21 DATED: June 22, 1989

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23 
24 ROBERT HOAD, ESQ.
25 Attorney for Respondent

26 DATED: June 22, 1989

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1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California

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4 M. GAYLE ASKREN
5 Deputy Attorney General

6 Attorneys for Complainant
7 Executive Officer
8 Board of Medical Quality Assurance
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8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
10 BOARD OF MEDICAL QUALITY ASSURANCE
11 DEPARTMENT OF CONSUMER AFFAIRS
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation) NO. D-3878
Against:)
14 MICHAEL CHI-WAI WONG, M.D.) ACCUSATION
15 13150 Stone Canyon Road)
Poway, California 92064)
16 Physician's and Surgeon's No.)
17 G34771)
18 Respondent.)
19

20 COMES NOW Complainant Kenneth Wagstaff, who as cause
21 for disciplinary action, alleges:

- 22 1. Complainant is the Executive Director of the
23 California Board of Medical Quality Assurance ("Board") and
24 makes and files this accusation solely in his official capacity.
25 2. On or about July 1, 1977, Physician's and
26 Surgeon's Certificate No. G34771 was issued by the Board to
27 respondent Michael Chi-Wai Wong, M.D., and at all times relevant

1 herein, said license was, and currently is, in full force and
2 effect. Said license has been renewed until January 31, 1990.

3 3. This accusation is made with reference to the
4 following statutes of the California Business and Professions
5 Code (hereinafter "Code"):

6 a. Section 2227 provides, in part, that the
7 Division of Medical Quality of the Board may revoke, suspend
8 for a period not to exceed one year, or place on probation
9 the license of any certificate holder who has been found
10 guilty of a disciplinary violation under the Medical
11 Practice Act.

12 b. Section 2236 provides, as relevant
13 hereto, that the conviction of any offense
14 substantially related to the qualifications, functions,
15 or duties of a physician constitutes unprofessional
16 conduct. A plea or verdict of guilty or a conviction
17 following a plea of nolo contendere is deemed to be a
18 conviction within the meaning of this section.

19 c. Section 2234(e) provides that it is
20 unprofessional conduct to commit any act involving
21 dishonesty or corruption which is substantially related
22 to the qualifications, functions, or duties of a
23 physician.

24 4. Respondent Michael Chi-Wai Wong, M.D. is subject to
25 disciplinary action pursuant to Sections 2234(d) and 2236, in
26 that he has been convicted following his plea of nolo contendere
27 to a crime of dishonesty, which is substantially related to the

1 qualifications, functions, or duties of a physician, or
2 particularly alleged hereinafter;

3 a. On or about September 25, 1987, in a criminal
4 proceeding before the Municipal Court of San Diego Judicial
5 District, County of San Diego, entitled "The People of the
6 State of California vs. Michael Chiwai Wong, Defendant,"
7 Case No. M533678, respondent pleaded guilty to commission
8 of the offense of violation of Welfare & Institutions Code
9 Section 14107, which had been pleaded as Count I in a
10 misdemeanor complaint filed before that Court.

11 b. On the date alleged in paragraph a.,
12 supra, in the above action, the Court ordered that
13 imposition of sentence be suspended for three years,
14 defendant pay a fine of \$1,000 including penalty, plus
15 \$30 administrative fee, complete 250 hours of volunteer
16 work, make restitution in the sum of \$5,000, and
17 violate no same or similar laws.

18 c. The facts of the case, as set forth in
19 the misdemeanor complaint, to which the nolo contender
20 plea was had, as alleged, supra, are that on or about
21 July 7, 1986, respondent willfully, unlawfully, and
22 with intent to defraud, presented to Computer Sciences
23 Corporation and the State of California for allowance
24 or payment a false or fraudulent Medi-Cal claim for
25 furnishing services in violation of Welfare &
26 Institutions Code Section 14107, per Penal Code Section
27 17(b), a misdemeanor. The facts pertain to Medi-Cal

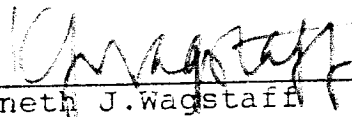
1 Claim No. 61883016149, date of service June 27, 1988,
2 and bearing the beneficiary name of Jennifer Ault.

3 WHEREFORE, complainant requests that a hearing be held on
4 the matters alleged herein, and that following said hearing, the
5 Division of Medical Quality of the Board issue a decision:

6 1. Revoking or suspending Physician's and Surgeon's
7 Certificate Number G34771, heretofore issued to respondent
8 Michael Chi-Wai Wong, M.D.; and

9 2. Taking such other and further action as the
10 Division deems proper.

11 DATED: December 1, 1988

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Kenneth J. Wagstaff
15 Executive Director
16 Board of Medical Quality Assurance
17 Department of Consumer Affairs
18 State of California

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Complainant